

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRANDEN DUNCAN,

Plaintiff,

-against-

CITY OF NEW YORK; OFFICER AMIR;
OFFICER WILDANIA HERNANDEZ;
JOHN DOE OFFICER (CAUCASIAN);
JOHN DOE OFFICER (AFRO-
AMERICAN),

Defendants.

24-CV-4438 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff paid the filing fees to bring this action. He asserts claims, under 42 U.S.C. §§ 1983, 1985, and state law, arising from an incident that began on March 9, 2023.

DISCUSSION

A. Issuance of Summonses

The Clerk of Court is directed to issue summonses as to Defendants City of New York, Police Officer Wildania Hernandez, and Police Officer Amir.

Plaintiff is directed to serve the summons and complaint on each Defendant within 90 days of the issuance of the summonses.¹ If within those 90 days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants, under Rules 4 and 41 of the Federal Rules of Civil Procedure, for failure to prosecute.

¹ A summons generally must be served within 90 days of the date the complaint is filed, Fed. R. Civ. P. 4(m), but summonses did not issue when Plaintiff filed the complaint because he had not paid the filing fees. The Court therefore extends the time to serve until 90 days after the date summonses issue.

B. Identifying Doe defendants

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the New York City Police Department (NYPD) to identify the two John Doe defendants from the NYPD's Sixth Precinct who are alleged to have been present with Police Officers Wildania Ramirez and Amir at the traffic stop of Plaintiff's vehicle at Tenth Avenue and West 15th Street in Manhattan, at about 1:18 p.m. on March 9, 2023. John Doe #1 is described as a white officer who directed Plaintiff not to reach for his cell phone. John Doe #2 is a Black officer who drove Plaintiff's vehicle from the scene to the Sixth Precinct.

It is therefore ordered that the New York City Law Department, which is the attorney for and agent of the NYPD, must ascertain the identity and badge number of each John Doe whom Plaintiff seeks to sue here and the address where the defendants may be served. In addition, because Plaintiff may be unable to serve Police Officer Amir without his full name and badge number, the New York City Law Department is further directed to provide the full name and badge number for Defendant Amir. The New York City Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form is attached to this order. Once Plaintiff has filed an amended complaint, Plaintiff may request that the Clerk of Court issue summonses for these Defendants, and he must effect service of process.

CONCLUSION

The Clerk of Court is directed to: (1) mail an information package to Plaintiff; and (2) issue summonses as to Defendants City of New York, Police Officer Wildania Hernandez, and Police Officer Amir.

The Clerk of Court is further directed to mail a copy of this order and the complaint to the New York City Law Department at: 100 Church Street, New York, NY 10007.

Plaintiff may consent to accept service of documents by email, instead of regular mail, by completing the attached form, [Consent to Electronic Service](#).

SO ORDERED.

Dated: August 15, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

VERNON S. BRODERICK
United States District Judge